

1 Joseph J. Tabacco, Jr. (SBN 75484)  
2 Christopher T. Heffelfinger (SBN 118058)  
**BERMAN DeVALERIO**  
3 425 California Street, Suite 2100  
San Francisco, CA 94104  
4 Telephone: 415.433.3200  
Facsimile: 415.433.6382  
5 jtabacco@bermandevalerio.com  
cheffelfinger@bermandevalerio.com

6  
7 Attorneys for Plaintiff Univisions-Crimson Holding, Inc.

8  
9  
10  
11  
12  
13                   **UNITED STATES DISTRICT COURT**  
14                   **NORTHERN DISTRICT OF CALIFORNIA**  
15                   **SAN FRANCISCO DIVISION**

16                   UNIVISIONS-CRIMSON HOLDING, INC.,  
17                   on behalf of itself and all others similarly  
                 situated,

18                   Plaintiff,

19                   v.

20                   SONY CORPORATION; SONY OPTIARC  
INC.; SONY OPTIARC AMERICA INC.;  
TOSHIBA CORPORATION; SAMSUNG  
ELECTRONICS COMPANY, LTD.;  
TOSHIBA SAMSUNG STORAGE  
TECHNOLOGY CORPORATION;  
HITACHI, LTD.; HITACHI-LG DATA  
STORAGE, INC.; LG CORPORATION; and  
NEC CORPORATION,

21  
22  
23  
24  
25                   Defendants.  
26  
27  
28

) Case No. 09-CV-5186 EMC

**STIPULATION RE EXTENSION  
OF TIME FOR DEFENDANT TO  
RESPOND TO COMPLAINT;  
[PROPOSED] ORDER EXTENDING  
TIME TO RESPOND TO  
COMPLAINT**

1 WHEREAS the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS plaintiff alleges antitrust violations by manufacturers, distributors, and  
3 sellers of Optical Disk Drives and products containing Optical Disk Drives (collectively "ODD  
4 products");

5 WHEREAS at least four complaints have been filed to date in federal district courts  
6 throughout the United States by plaintiffs purporting to bring class actions on behalf of direct  
7 purchasers alleging antitrust violations by manufacturers, distributors, and sellers of ODD  
8 products (collectively "the ODD Cases");

9 WHEREAS plaintiff anticipates the possibility of Consolidated Amended Complaints in  
10 the ODD Cases;

11 WHEREAS plaintiff and Sony Optiarc America, Inc. ("SOA") have agreed that an  
12 orderly schedule for any response to the pleadings in the ODD Cases would be more efficient  
13 for the parties and for the Court;

14 WHEREAS plaintiff agrees that the deadline for SOA to answer, move, or otherwise  
15 respond to its Complaint shall be extended until the earliest of the following dates: (1) forty-  
16 five days after the filing of a Consolidated Amended Complaint in the ODD Cases; or (2)  
17 forty-five days after plaintiff provides written notice to SOA that plaintiff does not intend to  
18 file a Consolidated Amended Complaint; or (3) any earlier response date to which SOA agrees  
19 or by which it is ordered to respond in any ODD case;

20 WHEREAS this Stipulation does not constitute a waiver by SOA of any defense,  
21 including but not limited to the defenses of lack of personal jurisdiction, subject matter  
22 jurisdiction, improper venue, sufficiency of process or service of process;

23 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANT  
24 SOA, BY AND THROUGH THEIR RESPECTIVE  
25 COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

26 1. The deadline for SOA to answer, move, or otherwise respond to plaintiff's  
27 Complaint shall be extended until the earliest of the following dates: (1) forty-five days after  
28 the filing of a Consolidated Amended Complaint in the ODD Cases; or (2) forty-five days after

1 plaintiff provides written notice to SOA that plaintiff does not intend to file a Consolidated  
2 Amended Complaint; or (3) any earlier response date to which SOA agrees or by which it is  
3 ordered to respond in any ODD case.

4       2. This Stipulation does not constitute a waiver by SOA or any other named  
5 defendant joining the Stipulation of any defense, including but not limited to the defenses of  
6 lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process  
7 or service of process.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 IT IS SO STIPULATED.

2 DATED: November 23, 2009

Respectfully submitted,

3 By:

Christopher T. Heffelfinger (SBN 118058)  
**BERMAN DeVALERIO**  
425 California Street, Suite 2100  
San Francisco, CA 94104  
Telephone: 415.433.3200  
Facsimile: 415.433.6382  
[cheffelfinger@bermandevalerio.com](mailto:cheffelfinger@bermandevalerio.com)

7  
8 *Atorneys for Plaintiff Univisions-Crimson  
Holding, Inc.*

9 DATED: November 23, 2009

10 By:

Steven C. Holtzman  
**BOIES, SCHILLER & FLEXNER LLP**  
1999 Harrison Street, Suite 900  
Oakland, California 94612  
Telephone: 510.874.1000  
Facsimile: 510.874.1460  
Email: sholtzman@bsflp.com

11  
12 *Atorneys for Defendant Sony Optiarc  
America, Inc.*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## **PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

